

**BEST AVAILABLE COPY****RECEIVED  
CENTRAL FAX CENTER****FEB 18 2005****Fax transmission from:**

U.S. Naval Research Laboratory  
Associate Counsel Intellectual Property, Code 1008.2  
4555 Overlook Avenue, SW  
Washington, DC 20375-5325

**From:** Joe Grunkemeyer

Phone: (202) 404-1556

Fax: (202) 404-7380

**Date:** 02/18/2005**To:** LIE Eugenia Hardy

Art Unit 1700

Fax: (703) 872-9306

Cover Sheet + 3 Pages**Message:**

RE: Patent Application No.: 10/817,440

Filed: 03/25/2004

Inventor: Keller et al.

Docket No.: NC 96,221

Response to Notice of Non-Compliant Amendment – 2 pages

Copy of Notice of Non-Compliant Amendment – 1 page

The information contained in this facsimile may be client confidential, and may also be attorney privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, distribution, or copying of this transmission is prohibited. If you have received this facsimile in error, please notify us immediately by telephone for instructions. Thank you.

**BEST AVAILABLE COPY****RECEIVED****CENTRAL FAX CENTER****FEB 18 2005**PATENT APPLICATION  
Docket No.: NC 96,221

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Keller et al.

Serial No.: 10/817,440

Filed: 03/25/2004

For: HIGH TEMPERATURE ELASTOMERS FROM LINEAR POLY(SILARYLENE-  
SILOXANE-ACETYLENE)

Examiner: Peng, Kuo Liang

Art Group Unit: 1712

February 18, 2005

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

The above-referenced reissue patent application was filed on 03/25/2004 with a preliminary amendment. The amendment was in compliance with 37 C.F.R. § 1.173(b)(2) in that the amendment included the entire text of each claim being changed by the amendment paper, the status of the listed claims was shown as (amended), and the changes were shown by markings.

On 01/19/2005, a Notice of Non-Compliant Amendment (attached) was mailed to Applicants, indicating that the amendment did not comply with 37 C.F.R. § 1.121 in that it did not include a complete listing of all claims and it did not have proper status identifiers. However, § 1.121(i) states that amendments in reissue applications, such as the instant application, must be made in accordance with § 1.173. As the amendment did comply with this section, the notice was improper. Applicants respectfully request that the notice be withdrawn.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281,

## CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office on the date shown below.

2/18/05

Date

ITay

Joseph T. Grunkemeyer

**BEST AVAILABLE COPY**

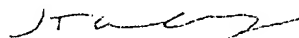
Serial No.: 10/317,440

PATENT APPLICATION

Docket No.: NC 96,221

and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



Joseph T. Grunkemeyer

Reg. No. 46,746

Phone No. 202-404-1556

Office of the Associate Counsel

(Patents), Code 1008.2

Naval Research Laboratory

4555 Overlook Ave, SW

Washington, DC 20375-5325



UNITED STATES PATENT AND TRADEMARK OFFICE

**BEST AVAILABLE COPY**20/817,440 *h*

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1420  
ALEXANDRIA, VA 22313-1420  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/25/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other
- ☐ 3. Amendments to the drawings:
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: cls. 15-17 should read/Currently Amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*[Signature]*  
Legal Instruments Examiner (LIE)

571-272-1014  
Telephone No.

Rev. 10/03